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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/556,503	04/24/2000	Charles J. Burnett	10991754-1	7659

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EXAMINER

TAYLOR, BARRY W

ART UNIT PAPER NUMBER

2643

DATE MAILED: 04/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

chd

Office Action Summary	Application No.	Applicant(s)	
	09/556,503	BURNETT, CHARLES J.	
	Examiner	Art Unit	
	Barry W Taylor	2643	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lam (5,901,202) in view of Dipperstein (6,185,191).

Regarding claims 1 and 11. Lam teaches a slave test unit for testing voice signal quality over phone connections (entire disclosure), comprising:

at least two phone line connectors attached to separate phone lines (col. 1 lines 1-35),

means for transmitting and receiving electrical signals ... (abstract, col. 1 line 37-56),

means for decoding the test command ... (col. 1 lines 43-46),

means for executing the test commands ... (col. 1 lines 47-48);

whereby the test commands executed by the slave test unit are received exclusively from the at least one remote unit (col. 2 line 36 – col. 4 line 21).

According to Applicants Lam does not anticipate nor make obvious the newly amended claim language executing means including the ability to generate test signals (see Applicants remarks on page 3 of paper number 6 dated 1/17/02). Applicants

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further assert that Lam requires fixed pieces of equipment to transmit commands through the data line (bottom of page 3 of paper number 6 dated 1/17/02).

Dipperstein teaches using a master and slave device to remotely test telephone connections (entire disclosure). Dipperstein clearly discloses that conventional test units are relatively large and fixed pieces of equipment, they are not readily suited for use in the field (col. 2 lines 1-8). Dipperstein also discloses a portable test set that can be connected to virtually any location of a link/circuit, irrespective of its configuration, or the type of signals that may be conveyed (i.e. analog or digital, see col. 2 lines 20-32). Dipperstein teaches the master set to initiate a bit error rate test from one end of the circuit, and derive a measure of operational performance characteristic of the in-between segment of the circuit (col. 2 lines 33-46, col. 2 line 50 – col. 11 line 50).

Therefore, it would have been obvious for any one of ordinary skill in the art at the time the invention was made to modify the technique for remotely testing lines of foreign carriers as taught by Lam (col. 1 lines 10-35) to include the ability to test from virtually any location irrespective of its configuration or type of signals conveyed as taught by Dipperstein for the benefit of having a more flexible test unit that may operate in respective master and slave modes (Dipperstein column 2).

Regarding claim 2. Lam teaches encoding test commands (Title, abstract, col. 1 lines 38-56, col. 3 lines 10-62). Dipperstein also teaches master/slave operation (columns 2-4).

Regarding claims 3-4 and 12-13. Lam teaches dialback command (abstract, col. 1 lines 46-56, columns 3-4). Applicants concede that Dipperstein also teaches call

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back, as well as, loop back (see Applicants remarks at the bottom of page 4, paper number 6 dated 1/17/02).

Regarding claims 5, 14. Lam teaches using a termination command (col. 1 lines 43-48, col. 4 lines 15-18).

Regarding claim 6. Lam teaches a human operator interface (figure 2, col. lines 36+).

Regarding claim 7, 16, 17. Lam teaches that the remote test unit "PC" (#110 fig. 2) is another slave test unit "PC" (#180 fig. 2).

Regarding claim 8, 15, 18. Lam teaches using DTMF technology (col. 2 line 56).

Regarding claim 9. Lam teaches FX0/FXS are tested (i.e. see column 1 wherein AT&T test lines of other carriers "FX0/FXS").

Regarding claim 10. Lam teaches the slave unit is adapted for E&M (see column 3 wherein human operators may be used which use Ear and Mouth to communicate "E&M").

Response to Arguments

2. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

---(6,002,671) Kahkoska et al is considered pertinent for master/slave operation wherein the types of commands that the slave device may execute include those that

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the master test unit would normally perform (see figure 2, particularly "upstream" and "downstream").

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor whose telephone number is (703) 305-4811. The examiner can normally be reached on Monday-Friday from 6:30am to 4pm.

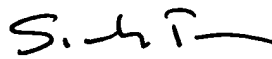
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone number for this Group is (703) 872-9314.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 customer service Office whose telephone number is (703) 306-0377.


SINH TRAN
PRIMARY EXAMINER